

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #6	CCRB Case #: 201700783	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/27/2016 2:30 PM	Location of Incident: 714 Ralph Avenue, 73rd Precinct stationhouse	Precinct: 73	18 Mo. SOL 1/27/2018	EO SOL 1/27/2018	
Date/Time CV Reported Mon, 01/30/2017 7:22 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/30/2017 7:22 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Ragoo	7277	939268	GVSD Z1
2. DT3 James Miles	01016	944810	GVSD Z1
3. SGT Richard Young	01160	947624	GVSD Z1

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Jason Broderick	1582	945528	GVSD Z1

Officer(s)	Allegation	Investigator Recommendation
A.POM Jason Ragoo	Abuse: At 714 Ralph Avenue in Brooklyn, Police Officer Jason Ragoo strip-searched § 87(2)(b) [REDACTED]	[REDACTED]
B.SGT Richard Young	Abuse: At the 73rd Precinct stationhouse, Sergeant Richard Young authorized the strip-search of § 87(2)(b) [REDACTED]	[REDACTED]
C.DT3 James Miles	Abuse: At the 73rd Precinct stationhouse, Detective James Miles threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]

Case Summary

On January 30, 2017, § 87(2)(b) filed this complaint via telephone with the CCRB.

On July 27, 2016, at approximately 3:10 p.m., § 87(2)(b) visited his cousin's home, located at § 87(2)(b) in Brooklyn. However, § 87(2)(b)'s cousin was not home. § 87(2)(b) left and walked to the bus stop, located outside of 714 Ralph Avenue in Brooklyn. PO Jason Ragoo, Det. Jason Broderick, and Det. James Miles, each of the Gun Violence Suppression Division, approached § 87(2)(b) as he waited for the bus. PO Ragoo reached into § 87(2)(b)'s underwear and recovered crack cocaine (**Allegation A: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) was transported to the 73rd Precinct stationhouse, where Sgt. Richard Young, also of the Gun Violence Suppression Division, authorized a strip-search (**Allegation B: Abuse of Authority, § 87(2)(g)**). During the strip-search, Det. Miles allegedly told § 87(2)(b) that if he failed to comply, the officers would do it themselves and it would not be pretty (**Allegation C: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) was charged with possession of a § 87(2)(b), § 87(2)(a) 160.50 and released with a Desk Appearance Ticket. The Kings County District Attorney's Office declined to prosecute § 87(2)(b)'s arrest.

§ 87(2)(e)

There is no video evidence in this case.

Findings and Recommendations

Allegation A – Abuse of Authority: At 714 Ralph Avenue in Brooklyn, Police Officer Jason Ragoo strip-searched § 87(2)(b)

§ 87(2)(b) (Board Review 01, Board Review 02) testified that prior to his interaction with officers, he called his cousin and made plans to visit him at his home, located at § 87(2)(b). § 87(2)(b) had one gram of crack cocaine packaged in dark black plastic and concealed in his intergluteal cleft, which he planned to give to his cousin. § 87(2)(b) arrived at § 87(2)(b) and rang the buzzer, but received no answer. § 87(2)(b) waited outside the building for a few minutes before an unidentified individual opened the building's door. § 87(2)(b) entered the building and went to § 87(2)(b), his cousin's residence, and knocked on the door for approximately five minutes, but received no answer. § 87(2)(b) then left the building and walked to the B15 bus stop, located outside of 714 Ralph Avenue. Approximately two minutes later, PO Ragoo, Det. Broderick and Det. Miles approached § 87(2)(b). The officers asked § 87(2)(b) where he was coming from, and § 87(2)(b) stated his cousin's home. PO Ragoo, Det. Broderick and Det. Miles patted § 87(2)(b) down all over his body and reached inside his pockets. One of the officers, § 87(2)(b) could not recall specifically who, rang his finger along the waistband of § 87(2)(b)'s pants and the waistband of § 87(2)(b)'s underwear. Nothing was recovered. The officers told § 87(2)(b) that he was under arrest for trespassing and transported him to the 73rd Precinct stationhouse.

PO Ragoo (Board Review 03) testified he conducted surveillance outside of § 87(2)(b)

§ 87(2)(e)

While in the field, PO Ragoo received a phone call from the officer assigned to the wireroom, he could not

recall who, who stated that § 87(2)(b) had called § 87(2)(b) ordered crack cocaine, and was currently outside of § 87(2)(b). Simultaneously, PO Ragoo observed § 87(2)(b) on his cell phone standing outside of § 87(2)(b). PO Ragoo was parked directly across the street from the location and had a clear view of the building's entrance, which was made up of glass windows that provided a clear view into the lobby. PO Ragoo also used binoculars to aid his vision. PO Ragoo observed § 87(2)(b) enter the lobby of the building, meet § 87(2)(b) and hand him currency in exchange for a small plastic bag. § 87(2)(b) placed the small plastic bag into the back of his pants and left the building. As such, PO Ragoo concluded that he had probable cause to arrest § 87(2)(b). PO Ragoo followed § 87(2)(b) for approximately 10 minutes to preserve the integrity of the wire. PO Ragoo approached § 87(2)(b) at a bus stop and introduced himself. PO Ragoo then grabbed the rear of § 87(2)(b)'s pants, where he observed § 87(2)(b) conceal the crack cocaine, and felt a bulge. PO Ragoo pulled back the waistband of § 87(2)(b)'s pants, at which point he observed a ball of crack cocaine located between § 87(2)(b)'s underwear and skin, directly above § 87(2)(b)'s intergluteal cleft. PO Ragoo then grabbed the ball of crack cocaine and removed it from § 87(2)(b)'s person.

§ 87(2)(g)
Det. Miles testified that the officers approached § 87(2)(b) shortly after observing him purchase crack cocaine from § 87(2)(b). Det. Miles watched PO Ragoo frisk § 87(2)(b) along his chest, legs, and waist. PO Ragoo then ran his hands through the waistband of § 87(2)(b)'s underwear, at which point he recovered crack cocaine that was concealed between § 87(2)(b)'s underwear and his skin.

Det. Broderick (Board Review 05) could not recall if PO Ragoo recovered any contraband from § 87(2)(b) at the scene of his arrest and did not recall if he saw PO Ragoo reach into § 87(2)(b)'s underwear.

Sgt. Young (Board Review 06) was not present during this aspect of the incident.

According to NYPD Patrol Guide, Procedure 208-05 (Board Review 07), a strip-search is any search in which an individual's undergarments (e.g., bra, underwear, etc.) and/or private areas are exposed or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas. A strip-search may be conducted with the approval of the arresting officer's immediate supervisor, if the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in their clothing in such a manner that they may not be discovered by previous search methods, and must be conducted in a private area.

§ 87(2)(g)

Allegation B – Abuse of Authority: At the 73rd Precinct stationhouse, Sergeant Richard Young authorized the strip-search of § 87(2)(b)

It is undisputed that § 87(2)(b) was strip-searched at the 73rd Precinct stationhouse. However, the circumstances surrounding the strip-search remain in dispute.

§ 87(2)(b) testified that he was lodged in a holding cell upon his arrival at the stationhouse. A short time later, PO Ragoo or Det. Broderick escorted § 87(2)(b) from his cell to the area where one's fingerprints are taken. There, Det. Miles ordered § 87(2)(b) to face the wall and remove his clothing piece-by-piece, which § 87(2)(b) did. § 87(2)(b) believed it was at this point that the crack cocaine concealed in his intergluteal cleft was discovered by the officers. § 87(2)(b) noted that the strip-search was conducted approximately two footsteps away from another individual's holding cell, described to be a Spanish speaking man in his fifties. § 87(2)(b) did not know if he was visible to this individual while he was strip-searched.

The investigation identified § 87(2)(b) as the witness § 87(2)(b) described via the prisoner holding pen roster (Board Review 08) and § 87(2)(b) arraignment tracking data from the NYPD's Booking, Arraignment, and Disposition System (Board Review 09). However, § 87(2)(b) was unavailable to the investigation (see IAs for contact attempts).

Sgt. Young testified that he met PO Ragoo and § 87(2)(b) at front desk of the 73rd Precinct stationhouse, where PO Ragoo explained the circumstances of § 87(2)(b)'s arrest. PO Ragoo told Sgt. Young that he observed § 87(2)(b) purchase narcotics from § 87(2)(b) and conceal them in his rear waistband. Though PO Ragoo recovered narcotics from § 87(2)(b) at the scene of his arrest, Sgt. Young did not know how this was recovered or from where on § 87(2)(b). As such, Sgt. Young authorized a strip-search to ensure that all contraband was recovered. Sgt. Young believed that § 87(2)(b) concealed additional contraband based on PO Ragoo's observation of § 87(2)(b) placing narcotics into his rear waistband. Sgt. Young instructed PO Ragoo to strip-search § 87(2)(b) inside the rear holding cells. Sgt. Young described the rear cells to be individual-sized cells that are separated from each other and the general population cell, and therefore constitute a private area. Sgt. Young was not present during the strip-search.

PO Ragoo and Det. Broderick each testified that § 87(2)(b) was strip-searched inside an individual holding cell, which was completely private given that the walls separated each individual cell. Det. Miles could not recall if § 87(2)(b) was strip-searched inside an individual cell but denied that § 87(2)(b) was strip-searched next to the fingerprinting machine. PO Ragoo, Det. Broderick, and Det. Miles each testified that no additional contraband was recovered pursuant to the strip-search.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Abuse of Authority: At the 73rd Precinct stationhouse, Detective James Miles threatened § 87(2)(b) with the use of force.

§ 87(2)(b) testified that upon learning he would be strip-searched, he told Det. Miles that he did not believe a strip-search was legal. Det. Miles allegedly told § 87(2)(b) that if he did not comply with the strip-search, the officers would do it themselves and it would not be pretty. § 87(2)(b) interpreted this statement as a threat of force.

Det. Miles testified that § 87(2)(b) asked why he was being strip-searched and in response, Det. Miles told § 87(2)(b) that the officers believed he had additional narcotics on his person. Det. Miles denied that he ever told § 87(2)(b) that if he failed to comply, the officers would do it themselves and it would not be pretty. Det. Miles denied that he threatened § 87(2)(b) with the use of force at any point and described § 87(2)(b) as cooperative throughout the strip-search.

PO Ragoo denied that Det. Miles threatened § 87(2)(b) with physical force and Det. Broderick did not recall. Sgt. Young testified that he interacted with § 87(2)(b) at the solely at the stationhouse front desk and therefore was not present during this aspect of the incident.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 10).
- PO Ragoo has been a member of service for 14 years and has been a subject in 12 CCRB complaints and 25 allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Young has been a member of service for 11 years and has been a subject in seven CCRB complaints and 17 allegations, of which one was substantiated:
 - CCRB Case #201402689 involved a substantiated allegation of physical force against Sgt. Young. The Board recommended Command Discipline B and the NYPD imposed Command Discipline A.
 - § 87(2)(g)
- Det. Miles has been a member of service for 12 years and has been a subject in 11 CCRB complaints and 17 allegations, of which one was substantiated:
 - CCRB Case #201212149 involved a substantiated allegation of a stop against Det. Miles. The Board recommended charges and the case was closed and resolved by plea.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming emotional and psychological distress and violations of his civil and constitutional rights and seeking an unspecified amount as redress (Board Review 11). A 50H hearing was scheduled for § 87(2)(b). There is no further information regarding § 87(2)(b)'s lawsuit or any settlement.
- § 87(2)(b)

§ 87(2)(b) [Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad No.: #6

Investigator: _____
 Signature Print Title & Name Date

Squad Leader: _____
 Signature Print Title & Name Date

Reviewer: _____
 Signature Print Title & Name Date